

DELTA PROTECTION COMMISSION

14215 RIVER ROAD

P.O. BOX 530

WALNUT GROVE, CA 95690

PHONE: (916) 776-2290

FAX: (916) 776-2293



March 14, 1997

TO: DELTA PROTECTION COMMISSION

FROM: STAFF

RE: SB 172, ABANDONED VESSEL ABATEMENT LEGISLATION

BACKGROUND:

The issue of abandoned vessels has been a concern in the Delta by marina operators, salvors, landowners and local government marine patrols. After hearing several comments from concerned citizens and interested parties at the public hearing in January and June, 1996, the Commission suggested creating a program, similar to the abandoned vehicle program, to address the growing problem.

Recently, staff has been working with Senator Rainey's office to create a legislative solution to address the problem. And, on January 21, 1997, Senator Rainey, along with Senator Johnston and Assemblymember Torlakson, introduced SB 172 (see attached current draft). The legislation's primary goal is to make it easier for local governments to remove abandoned vessels. To accomplish this goal, the legislation creates a fund for the removal/abatement of abandoned vessels in California; eases the requirements for removal, impoundment, and the sale of abandoned vessels; and increases the penalties imposed on persons who abandon vessels.

The following is a summary comparing the new legislation as introduced on January 21, 1997, to existing law; an analysis comparing the legislation to the Commission's suggestions; and recent amendments made by the Senate Committee on Natural Resources and Wildlife.

COMPARISON TO EXISTING LAW:

SB 172 amends Sections 513, 514, 518, 522, 523 of the Harbors and Navigation Code relating to vessels as follows:

1) Creation of the Abandoned Vessel Abatement Fund.

a) Proceeds from the sale of abandoned property which remains with the county treasurer over one year will be paid into this fund. **Existing law** requires that proceeds be paid to the State Treasury.

b) Proceeds from the sale of abandoned property found on public waterways will be paid into the Abandoned Vessel Abatement Fund. **Existing law** declares that the proceeds belong to the municipality or local government.

c) Fines imposed and collected for violation of H & N section 525, unlawful abandonment of a vessel, shall be deposited into the Abatement Fund.

d) The fine imposed for violating H & N section 525 will be \$500 - \$1,500. **Existing law** imposes a fine of not less than \$50 for the violation.

2) Allocation of Abatement Fund.

a) The Abatement Fund monies are to be made available, by grant application, exclusively to local governments for the abatement, removal, storage, and disposal of abandoned vessels.

3) Reduction of Local Government Requirements for Removal and Sale of Abandoned Vessels.

a) Local governments are authorized to declare vessels abandoned if they pose threats to the environment, i.e. threaten wetlands, endangered species, or water quality. **Existing law** authorizes local governments to declare vessels abandoned only if the vessel was obstructing a waterway, a danger to navigation, a stolen vessel, or if the owner of the vessel is arrested or incapacitated.

b) Local governments are authorized to sell abandoned vessels after **six months** of removal/impoundment. Storage and removal costs will be deducted from the proceeds of the sale. **Existing law** requires that local governments wait **one year** before selling the impounded vessels.

c) Local governments, in addition to removal, are authorized to impound abandoned vessels.

d) The time period for citizens to reclaim vessels

which have been removed or impounded by law enforcement has been reduced from one year to six months.

COMPARISON TO COMMISSION SUGGESTIONS:

The program suggested by the Commission at the January, 1996, public hearing included: 1) requiring mandatory participation in the program by all the Delta counties (the vehicle program is not mandatory but voluntary participation) to ensure that abandoned vessels are not moved to non-participating jurisdictions; 2) generating funds for the program from the boating community, not from the general population (the vehicle program is funded by vehicle registration fee surcharges); and 3) developing a "turn-in" program for abandoned vessels by providing incentives similar to the gun and smog-generating vehicle "turn-in" programs.

SB 172 does not create a program for removal similar to the abandoned vehicle program, as suggested by the Commission. The legislation revises the existing Harbors and Navigation laws to make it easier to declare vessels abandoned in order to begin the process of removal. Also, the reforms make it easier to sell and auction the abandoned vessels as well as increase the penalties for violating the abandonment prohibition provisions in the Harbors and Navigation Code.

However, similar to a Commission suggestion, the legislation does create a funding source, other than the general public, for removal of abandoned vessels from waterways. The funds will come from preexisting funds, for example Prop 204 monies, and from the Harbors and Navigation Revolving Fund.

RECENT AMENDMENTS:

On March 3, 1997, the Senate Committee on Natural Resources and Wildlife amended SB 172 by reducing the time restrictions imposed on local governments for selling or auctioning abandoned vessels from six months to 90 days. Language setting forth procedures for local governments to follow when removing an junked or wrecked vessels, i.e., the vessel must be appraised at a value less than \$300 and the removing agency must post a notice of removal not more than 72 hours before actual removal.

The Committee also added language declaring the intent of the Legislature to appropriate not more than \$1 million annually from the General Fund for grants that are matched by a 10% contribution by local governments for abatement of abandoned vessels. Additionally, the Controller must transfer \$500,000 from the Harbors and Watercraft Revolving Fund to the Abandoned

Watercraft Abatement Fund to be appropriated by the Department of Boating and Waterways for prescribed abandoned vessel abatement purposes was added. The \$500,000 is seed money to establish the Abandoned Watercraft Abatement Fund.

March 11, 1997, the Senate Committee on Natural Resources and Wildlife held a second hearing on SB 172 to make minor amendments and put it on the consent calendar.

RECOMMENDATION:

The Commission should consider taking a position on the pending legislation. Staff recommends a position of support.

SB 172 Vessels: wrecks and wrecked property.

BILL NUMBER: SB 172 AMENDED 03/03/97

AMENDED IN SENATE MARCH 3, 1997

INTRODUCED BY Senator Rainey (Principal coauthor: Senator Johnston)
(Principal coauthor: ~~Assembly Member Leach~~ coauthors: *Assembly Members*
***Leach and Torlakson*)**

JANUARY 21, 1997

An act to amend Sections 513, 514, 518, 522, 523, 524, and 525 ~~of the Harbors and Navigation Code, relating to vessels, of, and to add Sections 526 and 527 to, the Harbors and Navigation Code, relating to vessels, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 172, as amended, Rainey. Vessels: wrecks and wrecked property.

(1) Under existing law relating generally to vessels, if wrecked property is in a perishable state, the county sheriff is required to apply to the judge of the superior court for an order authorizing the sheriff to sell the property. Existing law requires the proceeds to be paid to the county treasurer, and if it remains in the treasurer's hands more than one year, to the State Treasury.

This bill would require the proceeds ~~, if they remain in the treasurer's hands more than one year,~~ to be deposited into the Abandoned Watercraft Abatement Fund, which would be created by the bill, *for allocation to local agencies, as specified in the bill*.

(2) Existing law provides that if any person claims wrecked property within one year after it is found, the judge is required to make an order directing the officer in whose possession the property or its proceeds may be, to deliver it to the claimant, as specified.

This bill would reduce that period to ~~6 months~~ *90 days*.

(3) Existing law requires the sale of wrecked property if, within one year after saving the wrecked property, no claimant appears, or in other specified circumstances. Under existing law, the proceeds of the sale, after deducting court-approved salvage and expenses, are required to be paid into the State Treasury.

This bill would reduce that period to ~~6 months~~ *90 days*. The bill would also require the deduction of storage, *property tax liens, other liens,* and other expenses from the proceeds of the sale *and would require the proceeds of the sale to be deposited in the Abandoned Watercraft Abatement Fund for allocation to local agencies, as specified*.

(4) Existing law authorizes the sale of any hulk, derelict, wreck, or parts of any ship, vessel, or other watercraft sunk, beached, or allowed to remain in an unseaworthy or dilapidated condition upon publicly owned submerged lands, salt marsh, or tidelands within corporate limits of any municipal corporation or other public corporation or entity having jurisdiction or control over those lands, for a period longer than 30 days without a watchman or other person in charge of the property. Existing law specifies that the proceeds of the sale are the property of the municipal

corporation or other public corporation or entity.

This bill, instead, would require the proceeds to be deposited into the Abandoned Watercraft Abatement Fund *for allocation to local agencies*, as specified.

(5) Existing law authorizes specified peace officers and other persons to remove vessels from public waterways and private property under certain circumstances.

This bill also would authorize the impoundment of those vessels under prescribed circumstances. In addition, the bill would authorize the removal and impoundment when the vessel poses a threat to adjacent wetlands, sensitive habitat, any protected animal species, or water quality.

The bill would authorize the sale or other disposal of impounded property of less than \$300 value by the public agency that removed it under specified conditions within 15 days of notice of removal or actual removal, whichever is later, and would require the proceeds to be deposited into the Abandoned Watercraft Abatement Fund.

(6) Existing law prohibits any person from abandoning a vessel upon a public waterway or public or private property without the express or implied consent of the owner or person in lawful possession or control of the property. Under existing law, a violation of this prohibition is an infraction and is punishable by a fine of not less than \$50.

This bill would increase that fine to not less than \$500 nor more than \$1,500. The bill would prescribe a formula for the allocation of fines imposed and collected pursuant to this provision. The bill would prescribe the purposes for which moneys in the Abandoned Watercraft Abatement Fund may be used upon appropriation.

The bill would also declare the intent of the Legislature to appropriate not more than \$1,000,000 annually from the General Fund and that grants from the fund be matched by a 10% contribution from local agency grantees.

(7) The requirements imposed upon judges and peace officers by the bill would impose a state-mandated local program.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The bill would require the Controller to transfer \$500,000 from the Harbors and Watercraft Revolving Fund to the Abandoned Watercraft Abatement Fund and would appropriate that amount to the Department of Boating and Waterways for prescribed purposes.

Vote: ~~majority~~ 2/3 . Appropriation: ~~no~~-yes . Fiscal committee: yes. State-mandated local program: yes.

SECTION 1. Section 513 of the Harbors and Navigation Code is amended to read:

513. If wrecked property is in a perishable state, the sheriff shall apply to the judge of the superior

corporation or other public corporation or entity.

This bill, instead, would require the proceeds to be deposited into the Abandoned Watercraft Abatement Fund *for allocation to local agencies*, as specified.

(5) Existing law authorizes specified peace officers and other persons to remove vessels from public waterways and private property under certain circumstances.

This bill also would authorize the impoundment of those vessels under prescribed circumstances. In addition, the bill would authorize the removal and impoundment when the vessel poses a threat to adjacent wetlands, sensitive habitat, any protected animal species, or water quality.

The bill would authorize the sale or other disposal of impounded property of less than \$300 value by the public agency that removed it under specified conditions within 15 days of notice of removal or actual removal, whichever is later, and would require the proceeds to be deposited into the Abandoned Watercraft Abatement Fund.

(6) Existing law prohibits any person from abandoning a vessel upon a public waterway or public or private property without the express or implied consent of the owner or person in lawful possession or control of the property. Under existing law, a violation of this prohibition is an infraction and is punishable by a fine of not less than \$50.

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The bill would also declare the intent of the Legislature to appropriate not more than \$1,000,000 annually from the General Fund and that grants from the fund be matched by a 10% contribution from local agency grantees.

(7) The requirements imposed upon judges and peace officers by the bill would impose a state-mandated local program.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The bill would require the Controller to transfer \$500,000 from the Harbors and Watercraft Revolving Fund to the Abandoned Watercraft Abatement Fund and would appropriate that amount to the Department of Boating and Waterways for prescribed purposes.

Vote: ~~majority~~ 2/3 . Appropriation: ~~no~~ yes . Fiscal committee: yes. State-mandated local program: yes.

SECTION 1. Section 513 of the Harbors and Navigation Code is amended to read:

513. If wrecked property is in a perishable state, the sheriff shall apply to the judge of the superior

court, upon a verified petition, for an order authorizing the sheriff to sell it. If the judge is satisfied that a sale of the property would be beneficial to the persons interested, he or she shall make the order applied for, and the property shall then be sold at public auction, as specified in the order. The proceeds, deducting the expenses of *salvage, storage, and sale* as settled and allowed by the judge, ~~shall be paid to the treasurer of the county, and if it remains in his or her hands more than a year it shall be paid into the~~ *deposited in the* Abandoned Watercraft Abatement Fund, for allocation to counties, as specified in subdivision (d) of Section 525.

SEC. 2. Section 514 of the Harbors and Navigation Code is amended to read:

514. If, within ~~six months~~ *90 days* after wrecked property is found, any person claims the property, or its proceeds, and establishes his or her claim by evidence satisfactory to the judge of the superior court, the judge shall make an order directing the officer in whose possession the property or its proceeds may be, to deliver it to the claimant, upon the payment of a reasonable salvage and the necessary expenses of preservation.

SEC. 3. Section 518 of the Harbors and Navigation Code is amended to read:

518. If, within ~~six months~~ *90 days* after saving wrecked property, no claimant of the property appears, or, if within ~~three months~~ *60 days* after a claim, the salvage and expenses are not paid, or a suit for the recovery of the property is not commenced, the officer who has custody of the property may ~~shall~~ sell it at public auction and pay the proceeds of the sale, after deducting salvage, storage, *property tax liens, other liens*, and other expenses, into the Abandoned Watercraft Abatement Fund, for allocation to counties, as specified in subdivision (d) of Section 525. Deduction of salvage, storage, and other expenses shall not be made, unless the amount has been determined by the superior court of the county. A copy of the order, and the evidence in its support, shall be transmitted by the judge to the Controller.

SEC. 4. Section 522 of the Harbors and Navigation Code is amended to read:

522. (a) Any hulk, derelict, wreck, or parts of any ship, vessel, or other watercraft sunk, beached, or allowed to remain in an unseaworthy or dilapidated condition upon publicly owned submerged lands, salt marsh, or tidelands within the corporate limits of any municipal corporation or other public corporation or entity having jurisdiction or control over those lands, without its consent expressed by resolution of its legislative body, for a period longer than 30 days without a watchman or other person being maintained upon or near and in charge of the property, is abandoned property.

Thereafter, that municipal corporation or other public corporation or entity may, notwithstanding any other provision of law, take title to the abandoned property for purposes of abatement without satisfying any property tax lien on that property, and also may cause the property to be sold, destroyed, or otherwise disposed of in any manner it determines is expedient or convenient. Any property tax lien on the abandoned property shall be satisfied ~~prior to any transfer of title to that property from the~~ *within 30 days following the sale of the abandoned property by a municipal corporation or public entity*. Any sale in accordance with this section shall vest complete title in the purchaser who shall forthwith take steps to remove the property. Any proceeds derived from the sale shall be deposited into the Abandoned Watercraft Abatement Fund, for allocation to counties, as specified in subdivision (d) of Section 525.

(b) However, if the owner of the property securely affixes to the property a notice in plain view

setting forth the owner's name and address and claim of ownership, together with the name and address of an agent or representative whom the owner may designate to act within the State of California if the owner does not reside in the state, and files a copy of the notice with the secretary of the municipal corporation or other public corporation or entity having jurisdiction or control over the lands at least ~~fifteen~~ 10 days prior to the removal, the municipal corporation or other public corporation or entity may not sell, destroy, or otherwise dispose of the property until the corporation or entity has first given the owner or the owner's agent, at the address specified in the claim of ownership, ~~30~~ 15 days' notice to remove or cause the property to be removed, and then only if the property is not removed by the owner or the owner's agent within that time or reasonable extensions of time as the corporation or entity may grant by resolution. If a registration number appears on the watercraft, the municipal corporation or other public corporation or entity shall send the notice to the last registered owner and the disposition shall be handled as a lien sale under Section 504.

(c) Any municipal corporation or other public corporation may charge a fee to any person who is determined by that municipal or other public corporation to have caused property of a type described in subdivision (a) to become abandoned as described in that subdivision within its corporate limits, in an amount not to exceed the amount of that municipal or other public corporation's actual and reasonable costs incurred pursuant to this section with respect to the abandoned property.

SEC. 5. Section 523 of the Harbors and Navigation Code is amended to read:

523. (a) Any peace officer, as described in Section 663, any employee or officer of the State Lands Commission designated by the State Lands Commission, or any lifeguard or marine safety officer employed by a county, city, or district while engaged in the performance of official duties, may remove, and, if necessary, impound a vessel from a public waterway under any of the following circumstances:

(1) When the vessel is left unattended and is moored, docked, beached, or made fast to land in such a position as to obstruct the normal movement of traffic or in such a condition as to create a hazard to other vessels using the waterway, to public safety, or to the property of another.

(2) When the vessel is found upon a waterway and report has previously been made that the vessel has been stolen or complaint has been filed and a warrant thereon issued charging that the vessel has been embezzled.

(3) When the person or persons in charge of the vessel are by reason of physical injuries or illness incapacitated to such an extent as to be unable to provide for its custody or removal.

(4) When an officer arrests any person operating or in control of the vessel for an alleged offense, and the officer is, by any provision of this code or other statute, required or permitted to take, and does take, the person arrested before a magistrate without unnecessary delay.

(5) When the vessel interferes with, or otherwise poses a danger to navigation or to the public health, safety, or welfare.

(6) When the vessel poses a threat to adjacent wetlands, sensitive habitat, any protected animal species, or water quality.

(b) Costs incurred by a public entity pursuant to removal of vessels under subdivision (a) may be recovered through appropriate action in the courts of this state.

setting forth the owner's name and address and claim of ownership, together with the name and address of an agent or representative whom the owner may designate to act within the State of California if the owner does not reside in the state, and files a copy of the notice with the secretary of the municipal corporation or other public corporation or entity having jurisdiction or control over the lands at least ~~fifteen~~ 10 days prior to the removal, the municipal corporation or other public corporation or entity may not sell, destroy, or otherwise dispose of the property until the corporation or entity has first given the owner or the owner's agent, at the address specified in the claim of ownership, ~~30~~ 15 days' notice to remove or cause the property to be removed, and then only if the property is not removed by the owner or the owner's agent within that time or reasonable extensions of time as the corporation or entity may grant by resolution. If a registration number appears on the watercraft, the municipal corporation or other public corporation or entity shall send the notice to the last registered owner and the disposition shall be handled as a lien sale under Section 504.

(c) Any municipal corporation or other public corporation may charge a fee to any person who is determined by that municipal or other public corporation to have caused property of a type described in subdivision (a) to become abandoned as described in that subdivision within its corporate limits, in an amount not to exceed the amount of that municipal or other public corporation's actual and reasonable costs incurred pursuant to this section with respect to the abandoned property.

SEC. 5. Section 523 of the Harbors and Navigation Code is amended to read:

523. (a) Any peace officer, as described in Section 663, any employee or officer of the State Lands Commission designated by the State Lands Commission, or any lifeguard or marine safety officer employed by a county, city, or district while engaged in the performance of official duties, may remove, and, if necessary, impound a vessel from a public waterway under any of the following circumstances:

(1) When the vessel is left unattended and is moored, docked, beached, or made fast to land in such a position as to obstruct the normal movement of traffic or in such a condition as to create a hazard to other vessels using the waterway, to public safety, or to the property of another.

(2) When the vessel is found upon a waterway and report has previously been made that the vessel has been stolen or complaint has been filed and a warrant thereon issued charging that the vessel has been embezzled.

(3) When the person or persons in charge of the vessel are by reason of physical injuries or illness incapacitated to such an extent as to be unable to provide for its custody or removal.

(4) When an officer arrests any person operating or in control of the vessel for an alleged offense, and the officer is, by any provision of this code or other statute, required or permitted to take, and does take, the person arrested before a magistrate without unnecessary delay.

(5) When the vessel interferes with, or otherwise poses a danger to navigation or to the public health, safety, or welfare.

(6) When the vessel poses a threat to adjacent wetlands, sensitive habitat, any protected animal species, or water quality.

(b) Costs incurred by a public entity pursuant to removal of vessels under subdivision (a) may be recovered through appropriate action in the courts of this state.

SEC. 6. Section 524 of the Harbors and Navigation Code is amended to read:

524. (a) Any peace officer, as described in Section 663, may remove, and, if necessary, impound a vessel from private property when the vessel is found on, or attached to, private property and a report has previously been made that the vessel has been stolen or a complaint has been filed and a warrant thereon issued charging that the vessel has been embezzled.

(b) Any peace officer, as described in Section 663, may, after a reasonable period of time, remove a vessel from private property if the vessel has been involved in, and left at, the scene of a boating accident and no owner is available to grant permission to remove the vessel. This subdivision does not authorize the removal of a vessel if the owner has been contacted and has refused to grant permission to remove the vessel.

(c) Nothing in this section is intended to expand the territorial jurisdiction of peace officers beyond the provisions of Sections 830.1 and 830.2 of the Penal Code.

SEC. 7. Section 525 of the Harbors and Navigation Code is amended to read:

525. (a) Except for urgent and immediate concern for the safety of those aboard a vessel, no person shall abandon a vessel upon a public waterway or public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.

(b) The abandonment of any vessel in a manner as provided in subdivision (a) is prima facie evidence that the last registered owner of record, not having notified the appropriate registration or documenting agency of any relinquishment of title or interest therein, is responsible for the abandonment and is thereby liable for the cost of removal and disposition of the vessel.

(c) Violation of this section is an infraction and shall be punished by a fine of not less than five hundred dollars (\$500), nor more than one thousand five hundred dollars (\$1,500).

(d) All fines imposed and collected pursuant to this section shall be allocated as follows:

(1) Eighty percent of the moneys shall be deposited in the Abandoned Watercraft Abatement Fund, which is hereby created as a special fund. Moneys in the fund shall be used exclusively, upon appropriation by the Legislature, for grants *to be awarded by the department* to local agencies responsible for the abatement, removal, storage, and disposal as public nuisances of any abandoned, wrecked, dismantled, or inoperative vessels or parts thereof from private or public property.

(2) Twenty percent shall be allocated as set forth in Section 1463.001 of the Penal Code.

SEC. 8. Section 526 is added to the Harbors and Navigation Code, to read: ~~==~~

526. (a) *Notwithstanding any other provision of law, any wrecked property, or abandoned property as described in Section 522, or property impounded pursuant to Section 523 or 524, may be sold or otherwise disposed of by the public agency that removed or caused the removal of the property pursuant to this section, subject to the following conditions:*

(1) *The property has been appraised by disinterested persons, and has an estimated value of less than three hundred dollars (\$300).*

(2) *There is no discernable registration, license, or other identifying insignia on the property.*

(3) *Not less than 72 hours before the property was removed, the peace officer or authorized public employee securely attached to the property a distinctive notice stating that the property would be*

removed by the public agency.

(4) Within 48 hours after the removal, excluding weekends and holidays, the public agency that removed or caused the removal of the property sent notice of the removal to the registered and legal owners, if known, at their addresses of record with the Department of Motor Vehicles, and to any other person known to have an interest in the property. A notice sent by the public agency shall be sent by certified or first-class mail.

(5) If the public agency is unable to locate the registered and legal owners of the property or persons known to have an interest in the property as provided in paragraph (4), the public agency published, or caused to be published, the notice of removal for at least two weeks in succession in one or more newspapers circulated in the county.

(b) The notice of removal required by paragraphs (3) to (5), inclusive, of subdivision (a) shall state all of the following:

(1) The name, address, and telephone number of the public agency providing the notice.

(2) A description of the property removed.

(3) The location from which the property is to be or was removed.

(4) The location of the intended or actual place of storage.

(5) The authority and purpose for removal of the property.

(6) A statement that the property will be disposed of 15 days from the date of the notice.

(c) The property may be sold or otherwise disposed of by the public agency within 15 days from the date specified on the notice of the removal or the date of actual removal, whichever is later.

(d) The proceeds from the sale of the property, after deducting expenses for salvage, storage, sales costs, and any property tax liens, shall be deposited in the Abandoned Watercraft Abatement Fund, created by paragraph (1) of subdivision (d) of Section 525.

SEC. 9. Section 527 is added to the Harbors and Navigation Code, to read:

527. It is the intent of the Legislature that a sum of not more than one million dollars (\$1,000,000) be appropriated from the General Fund to the Abandoned Watercraft Abatement Fund for grants to local agencies pursuant to paragraph (1) of subdivision (d) of Section 525 in each fiscal year and that grants from the Abandoned Watercraft Abatement Fund be matched by not less than a 10 percent contribution from the local agency receiving the grant.

SEC. 10. The Controller shall transfer the sum of five hundred thousand dollars (\$500,000) from the Harbors and Watercraft Revolving Fund to the Abandoned Watercraft Abatement Fund and that sum is hereby appropriated from the Abandoned Watercraft Abatement Fund to the Department of Boating and Waterways for the purposes of paragraph (1) of subdivision (d) of Section 525 of the Harbors and Navigation Code.

SEC. 11. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made

removed by the public agency.

(4) Within 48 hours after the removal, excluding weekends and holidays, the public agency that removed or caused the removal of the property sent notice of the removal to the registered and legal owners, if known, at their addresses of record with the Department of Motor Vehicles, and to any other person known to have an interest in the property. A notice sent by the public agency shall be sent by certified or first-class mail.

(5) If the public agency is unable to locate the registered and legal owners of the property or persons known to have an interest in the property as provided in paragraph (4), the public agency published, or caused to be published, the notice of removal for at least two weeks in succession in one or more newspapers circulated in the county.

(b) The notice of removal required by paragraphs (3) to (5), inclusive, of subdivision (a) shall state all of the following:

(1) The name, address, and telephone number of the public agency providing the notice.

(2) A description of the property removed.

(3) The location from which the property is to be or was removed.

(4) The location of the intended or actual place of storage.

(5) The authority and purpose for removal of the property.

(6) A statement that the property will be disposed of 15 days from the date of the notice.

(c) The property may be sold or otherwise disposed of by the public agency within 15 days from the date specified on the notice of the removal or the date of actual removal, whichever is later.

(d) The proceeds from the sale of the property, after deducting expenses for salvage, storage, sales costs, and any property tax liens, shall be deposited in the Abandoned Watercraft Abatement Fund, created by paragraph (1) of subdivision (d) of Section 525.

SEC. 9. Section 527 is added to the Harbors and Navigation Code, to read:

527. It is the intent of the Legislature that a sum of not more than one million dollars (\$1,000,000) be appropriated from the General Fund to the Abandoned Watercraft Abatement Fund for grants to local agencies pursuant to paragraph (1) of subdivision (d) of Section 525 in each fiscal year and that grants from the Abandoned Watercraft Abatement Fund be matched by not less than a 10 percent contribution from the local agency receiving the grant.

SEC. 10. The Controller shall transfer the sum of five hundred thousand dollars (\$500,000) from the Harbors and Watercraft Revolving Fund to the Abandoned Watercraft Abatement Fund and that sum is hereby appropriated from the Abandoned Watercraft Abatement Fund to the Department of Boating and Waterways for the purposes of paragraph (1) of subdivision (d) of Section 525 of the Harbors and Navigation Code.

SEC. 11. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made

from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.



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Senate Rules Committee / California State Senate / WebMaster@sen.ca.gov

March 11, 1997 Amendments on
Reverse side.

3/11/97

I have a series of technical amendments to SB 172, addressing issues raised by staff within the analysis. They are as follows:

1. On page 7, line 27, strike the word "animal" and insert "wildlife."
2. On page 9, line 28, strike the words "if known" and insert " if discovered subsequent to removal"
3. On page 9, line 38, after the word "more" insert the word "daily"
4. On page 10, line 16, after the word "agency" strike the word "within"
5. On page 10, line 28, strike the words "General Fund" and insert "The Harbors and Watercraft Revolving Fund"

3/11/97

I have a series of technical amendments to SB 172, addressing issues raised by staff within the analysis. They are as follows:

1. On page 7, line 27, strike the word "animal" and insert "wildlife."
2. On page 9, line 28, strike the words "if known" and insert " if discovered subsequent to removal"
3. On page 9, line 38, after the word "more" insert the word "daily"
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